

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
GREENVILLE DIVISION

Stephen J. Guidetti,)	
)	
Plaintiff,)	C.A. No. 6:11-1249-HMH-KFM
)	
vs.)	OPINION & ORDER
)	
NFN Donahue, aka, dba, Deputy Sheriff)	
Sgt., Employee of Corporation, aka, dba,)	
Sheriff Department; Alex R. Payne, aka,)	
dba, Deputy Sheriff, Employee of)	
Corporation, aka, dba, Sheriff Department;)	
John Does 1-10, address unknown at)	
this time; Jane Does 1-10, address)	
unknown at this time,)	
)	
Defendants.)	

This matter is before the court on Stephen J. Guidetti's ("Guidetti") "objection to s/Henry M. Herlong Jr[.]'s opinion and order of summary judgment," which the court construes as a motion to alter or amend judgment pursuant to Rule 59(e) of the Federal Rules of Civil Procedure. On September 13, 2012, the court adopted the magistrate judge's Report and Recommendation and granted summary judgment in favor of the Defendants.

A motion to alter or amend a judgment under Rule 59(e) of the Federal Rules of Civil Procedure may be made on three grounds: "(1) to accommodate an intervening change in controlling law; (2) to account for new evidence not available at trial; or (3) to correct a clear error of law or prevent manifest injustice." Hutchinson v. Staton, 994 F.2d 1076, 1081 (4th Cir. 1993). "Rule 59(e) motions may not be used, however, to raise arguments which could have been raised prior to the issuance of the judgment" Pac. Ins. Co. v. Am. Nat'l Fire Ins. Co., 148 F.3d 396,

403 (4th Cir. 1998). “In general reconsideration of a judgment after its entry is an extraordinary remedy which should be used sparingly.” Id. (internal citation and quotation marks omitted).

In his motion, Guidetti reargues his claims and disputes whether the Constitution of the United States is the supreme law of the land. (Pl. Mot. ¶ 5). Guidetti does not present any new facts or evidence which alter the court’s original findings in the September 13, 2012 Order.

Therefore, Guidetti’s motion is denied.

Therefore, it is

ORDERED that Guidetti’s motion, docket numbers 144 and 146, are denied.

IT IS SO ORDERED.

s/Henry M. Herlong, Jr.
Senior United States District Judge

Greenville, South Carolina
October 1, 2012

NOTICE OF RIGHT TO APPEAL

Plaintiff is hereby notified that he has the right to appeal this order within thirty (30) days from the date hereof, pursuant to Rules 3 and 4 of the Federal Rules of Appellate Procedure.